

David A. LaFuria

8300 Greensboro Dr.
Suite 1200
Tysons, VA 22102

dlafuria@fcclaw.com
(703) 584-8666
WWW.FCCLAW.COM



March 9, 2018

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-B204
Washington, D.C. 20554

Re: Lifeline and Link Up Reform and Modernization
WC Docket No. 11-42

Dear Ms. Dortch:

On March 7, 2018, undersigned counsel, on behalf of Smith Bagley, Inc. ("SBI"), met with Matthew Duchesne, Janet Sievert, and Sayuri Rajapakse from the Office of Native Affairs and Policy ("ONAP"); Barbara Esbin from the Consumer and Governmental Affairs Bureau; and Ryan Palmer, Jodie Griffin, and Rashann Duvall from the Wireline Competition Bureau.

During the meeting, we discussed the upcoming transition to the National Verifier and ways to mitigate potential impacts on Tribal areas. Specifically, we discussed:

- ***Maximizing the number of customers in Tribal areas whose eligibility can be confirmed via database.***

We explained that in the first-wave states SBI serves – New Mexico and Utah – only three programs will be capable of being checked via database: Medicaid, SNAP, and Federal Public Housing Assistance. For customers qualifying through other programs, or via household income, carriers must obtain proof of eligibility and upload it to the National Verifier. We emphasized that the document outreach process is extremely difficult in Tribal areas due to large distances, absence of road infrastructure, and other factors. Therefore, we asked that ONAP and the Bureau work to ensure that consumers qualifying under additional programs – including Tribal-specific programs such as Head Start and the Food Distribution Program on Indian Reservations ("FDPIR") – have the ability to be checked via automated sources as well, to

minimize the number of consumers having to go through the outreach process and associated risk of losing service.

- ***The critical role that direct carrier contact plays in recertifying customers in remote Tribal areas.***

Over the years, SBI has developed innovative approaches to ensure that customers in remote Tribal areas have a realistic chance of completing their annual recertification. This process is heavily dependent on SBI's direct contacts and ongoing relationships with its subscribers. Many customers in these areas are distrustful of government and are more likely to respond when contacted by their service provider. Some customers do not speak English and must be walked through the process by someone fluent in their native language. Therefore, when customers cannot be recertified through the database process, we asked the FCC to ensure that carriers can continue to play this crucial role in Tribal areas by being permitted to contact remote customers to obtain recertification forms from them.

- ***The need to avoid excessive burdens on consumers in remote Tribal areas.***

We described aspects of National Verifier procedures that could potentially have adverse impacts on subscribers in remote Tribal areas and asked that these impacts be minimized. For example:

- *Recertification timeline.* We noted the lengthy process involved in SBI's recertification efforts, which by necessity stretch out over several months. We asked that the National Verifier perform its automated eligibility check at least 150 days before a customer's anniversary date, to maximize the amount of time available for a carrier to engage in direct outreach to customers who are not recertified automatically.
- *New certification form requirement.* We also discussed USAC's new requirement that for any customer who enrolled before July 2017 and whose record produces an error in the NV reverification process – i.e., (1) not found in an eligibility database, (2) TPIV failure, (3) AMS failure, or (4) duplicate failure – the customer must complete a new certification form. Because the Navajo Nation and other Tribal areas SBI serves do not have standard addressing, most of SBI's Lifeline customers will produce an "AMS failure", which means SBI will be required not only to document their address but also obtain a new certification form from the customer. We asked that the FCC work with USAC to consider an alternative

approach that would not require these customers to provide a new certification form.

- *File naming protocols.* During the NV launch, carriers must upload customer documents using a file name that contains the unique ID assigned by the NV for each customer. The original NV timetable would have given carriers only 10 days to rename files with the appropriate naming protocol. We asked that, when the final schedule is announced, carriers be provided at least 30 days to rename and upload the documents.

Should you have any questions, please contact undersigned counsel directly.

Sincerely,



David A. LaFuria
Steven M. Chernoff
Counsel for Smith Bagley, Inc.

cc: Matthew Duchesne
Barbara Esbin
Janet Sievert
Sayuri Rajapakse
Ryan Palmer
Jodi Griffin
Rashann Duvall